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MITIGATED NEGATIVE DECLARATION

March 17, 2011

Project Name: Odom Boundary Adjustment with a Certificate of Compliance

Project Number(s): 3710 10-0089 (BC), 3301 80-021-02 (MUP), 3501 04-009-01 (STP),
3910 10-14-013 (ER)

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form
1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
 2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.
3. Critical Project Design Elements That Must Become Conditions of Approval:

ANY PERMIT: (Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).

1. **COST RECOVERY: [DPLU, DPW, DEH, DPR], [GP, CP, BP, UO]**

Intent: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **Description of requirement:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **Documentation:** The applicant shall provide a receipt to the Department of Planning and Land Use, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No permit can be issued if there are deficit deposit accounts. **Timing:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and discretionary deposit accounts shall be paid. **Monitoring:** The DPLU Zoning Counter shall review the receipts and verify that all DPLU, DPW, DEH, and DPR deposit accounts have been paid.

2. **ENVIRONMENTAL REVIEW: [DPLU, DPW, DEH, DPR], [GP, CP, BP, UO]**

Intent: In order to comply with the California Environmental Quality Act (CEQA), Public Resources Code 21000-21177, all future development proposals shall be reviewed for conformance with the CEQA and Multiple Species Conservation Program (MSCP). **Description of requirement:** All future development proposals shall be reviewed in compliance with the CEQA and MSCP. **Documentation:** The County of San Diego shall prepare all necessary environmental documents for the proposed development permit, including all applicable MSCP findings. No permit can be issued until it has been reviewed for any environmental effects and gone through the proper public review. **Timing:** Prior to the approval of any plan and prior to the issuance of any permit, the project shall go

through an environmental review pursuant to the CEQA and MSCP. **Monitoring:** The DPLU Zoning Counter shall review the environmental documents and verify that the proposed permit has gone through an environmental analysis pursuant to the CEQA and the appropriate MSCP findings have been prepared.

3. ROAD IMPROVEMENTS: [DPW, LDR], [DPR, TC] [GP, CP, BP, UO]

Intent: In order to promote orderly development and to comply with the [Centerline Ordinance Sec. 51.301 through 51.316.](#), the northerly side of Business Route 8 [Old Highway 80] (SA 895) fronting the subject properties shall be improved. **Description of requirement:**

A. Improve or agree to improve and provide security for **Business Route 8 [Old Highway 80] (SA 895)** adjoining the subject properties, from the easterly boundary of the project westerly to the westerly boundary of the project, to County Major Road standards, including a bike lane and eastbound left-turn pockets on Business Route 8 for each driveway access point for the subject properties. These improvements shall include the following:

1. Installation of PCC curb, gutter, sidewalk, driveways, bike lane, and asphalt concrete pavement over approved base, with asphalt concrete taper transition to meet and match existing improvements on Business Route 8. The improvements shall be in conformance with standards for a Major Road with bike lanes per current County Public Road Standards.
2. Installation of three (3) streetlights on the northerly side of Business Route 8 adjoining the subject properties.
3. Relocation (or undergrounding) of any existing utility poles and/or other structures as necessary along the frontage of Business Route 8. These improvements may include drainage improvements and additional traffic striping, upon further investigation.

Documentation: All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#) and the DPW [Land Development Improvement Plan Checking Manual](#). The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. The applicant shall complete the following:

4. Process and obtain approval of Improvement Plans to improve Business Route 8 [Old Highway 80] (SA 895) along the frontages of the subject properties.
5. Provide Secured agreements. The required security shall be in accordance with [Section 7613 of the Zoning Ordinance](#).
6. Pay all applicable inspection fees with [DPW, PDCI].
7. If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.
8. Obtain approval for the design and construction of all driveways, turnarounds, walkways, and other improvements to the satisfaction of the Lakeside Fire Protection District and the [DPW, LDR].
9. Obtain a Construction Permit for any work within the County road right-of-way. DPW Construction/Road right-of-way Permits Services Section should be contacted at (858) 694-3275 to coordinate departmental requirements. Also, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

Timing: Prior to occupancy of the first structure built in association with this permit, and prior to final grading release, or use of the premises in reliance of this permit, the plans shall be approved and securities must be provided. **Monitoring:** The [DPW, LDR] and [DPR, TC] shall review the plans for consistency with the condition and County Standards and Community Trails Master Plan. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW before any work can commence.

4. **RELINQUISH ACCESS: [DPW, LDR] [DGS, RP], [GP, CP, BP, UO]**
Intent: In order to promote orderly development and to comply with the [Public Facilities Element and the Circulation element of the General Plan](#),

access shall be relinquished onto Business Route 8 [Old Highway 80] (SA 895). **Description of requirement:** Relinquish access rights onto Business Route 8 [Old Highway 80] (SA 895) except for one (1) existing driveway opening [existing mobile-home park] and one (1) private easement road opening. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. Only the two (2) access points for the existing driveway opening and the private easement road opening are permitted along Business Route 8 [Old Highway 80] (SA 895). **Documentation:** The applicant shall prepare the legal descriptions and documents and present them for review and to [DGS, RP]. Upon execution of the relinquishment documents, the applicant shall provide copies of the documents to [DPW, LDR] for review. **Timing:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the access shall be relinquished. **Monitoring:** The [DGS, RP] shall prepare and execute the relinquishment documents and forward a copy of the recorded documents to [DPW, LDR] for review and approval. The [DPW, LDR] shall review the easement documents for compliance with this condition.

5. SIGHT DISTANCE: [DPW, LDR] [UO]

Intent: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.(E) of the [County of San Diego Public Road Standards](#), an unobstructed sight distance shall be verified.

Description of requirement: A registered civil engineer, a registered traffic engineer, or a licensed land surveyor provide a certified signed statement that: "Physically, there is a minimum adequate unobstructed sight distance based upon County Public Road Standards Section 6.1.E in both directions along Business Route 8 [Old Highway 80] (SA 895) from the driveway opening and from the private road easement opening serving the subject properties." If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: Said lines of sight fall within the existing right-of-way and a clear space easement is not required." The engineer or surveyor shall further certify that the sight distance of adjacent driveways and street openings on Business Route 8 [Old Highway 80] (SA 895) will not be adversely affected by this project. **Documentation:** The applicant shall complete the certifications and submit them to the [DPW, LDR] for review. **Timing:** Prior to approval of this permit and prior to approval of any permit in association with this permit, and prior to final grading release, or use of the premises in reliance of this permit, and annually after that until the project is completely built, the sight distance shall be verified. **Monitoring:** The [DPW, LDR] shall verify the sight distance certifications.

6. ANNEX TO LIGHTING DISTRICT: [DPW, LDR] [DPLU, ZONING] [UO].

Intent: In order to promote orderly development and to comply with the Street Lighting Requirements of the [County Centerline Ordinance Section 51.511.1](#) and [The County of San Diego Public Road Standards](#), the property shall transfer into the lighting district. **Description of requirement:**

Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer. **Documentation:** The applicant shall pay the Zone A Lighting District Annexation Fee at the [DPLU, ZONING]. The applicant shall provide the receipt to [DPLU, PCC]. **Timing:** Prior to occupancy of the first structure built in association with this permit, final grading release, or use in the premises in reliance of this permit, the fee shall be paid. **Monitoring:** The [DPLU, ZONING] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.

BUILDING PERMIT: (Prior to approval of any building plan and the issuance of any building permit).

7. SEWER CONNECTION: [DEH, LWQ] [GP, BP, MA]

Intent: In order to promote orderly development the parcel(s) shall be connected to public sewer. **Description of Requirement:** The parcel shall be connected to public sewer in the Lakeside Sanitation District.

Documentation: Prior to connecting to the public sewer, the applicant shall obtain a sewer commitment letter from the Lakeside Sanitation District. Upon approval of connection, the applicant shall pay the costs of connection and fees associated with connecting to public sewer. **Timing:**

Prior to approval of a Building Permit, each individual parcel shall be connected to sewer. **Monitoring:** The [DPW, LDR] shall review the commitment letter for compliance with this condition.

8. WATER COMMITMENT: [DPW, LDR] [MA]

Intent: In order to ensure that the proposed project has the required water services, a water service commitment letter shall be provided.

Description of Requirement: Obtain a commitment to provide water service for each parcel from the Helix Water District. **Documentation:** The applicant shall obtain the appropriate commitment letter from the agency referenced above and comply with any conditions of said commitment letter. The applicant shall provide the required letter of commitment to the [DPW, LDR] for review and approval. **Timing:** Prior to the approval of a Building Permit, the applicant shall comply with this condition. **Monitoring:** The [DPW, LDR] shall review the commitment letter for compliance with this condition.

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Jarrett Ramaiya, Planning Manager
Project Planning Division

JR:ms